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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**

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7 RUSSELL ROAD FOOD AND
8 BEVERAGE, LLC,

9 Plaintiff,

10 v.

11 MIKE GALAM, *et al.*,

12 Defendants.

13 MIKE GALAM, *et al.*,

14 Counterclaimants,

15 v.

16 RUSSELL ROAD FOOD AND
17 BEVERAGE, LLC,

18 Counterdefendant.

Case No. 2:13-cv-00776-RFB-NJK

ORDER COMPELLING PRODUCTION
OF DOCUMENTS

19
20 **TO: OFFICE OF THE UNITED STATES ATTORNEY FOR THE DISTRICT**
21 **OF NEVADA**

22 **TO: UNITED STATES MARSHAL FOR THE DISTRICT OF NEVADA**

23 This matter is before the Court on Defendants/Counterclaimants' Motion Requesting an
24 Order for the Production of Documents by the U.S. Attorney's Office and the U.S. Marshals
25 Service (ECF No. 223), any oppositions thereto, and the record as a whole. At a hearing held on
26 January 13, 2015, the Court determined that there was good cause to permit the parties to
27 supplement their preliminary injunction and/or summary judgment briefs with additional
28 materials believed to be in the possession of the U.S. Attorney's Office. In their Motion,

1 Defendants/Counterclaimants represented that they believed much of the material sought to be in
2 possession of the U.S. Marshals Service.

3 **ORDER**

4 Accordingly, and for good cause as previously stated on the record,

5 **IT IS HEREBY ORDERED** that Defendants/Counterclaimants' Motion Requesting an
6 Order for the Production of Documents by the U.S. Attorney's Office and the U.S. Marshals
7 Service (ECF No. 223) is GRANTED.

8 **IT IS FURTHER ORDERED** that, for purposes of this Order, the term "forfeited
9 property" shall mean the assets substituted for forfeiture to the United States of America in the
10 matter of U.S.A. v. Power Company, Inc., et al., No. 2:06-cr-00186-PMP-PAL, brought in the
11 United States District Court for the District of Nevada (hereinafter "Power Company"), by way
12 of Docket No. 62 in that case, Order Granting United States of America's Motion for This Court
13 to Authorize the Substitution, the Forfeiture, and the Sale of the Substitute Assets and the
14 Distribution of the Sale Proceeds.

15 **IT IS FURTHER ORDERED** that within **14 days** of the date of this Order, the Office
16 of the United States Attorney for the District of Nevada ("U.S. Attorney's Office") and the
17 United States Marshals Service for the District of Nevada ("U.S. Marshals Service") shall
18 produce the following documents:

- 19 1) All marketing plans for the forfeited property, including the plan developed by
20 Sarah E. Schowalter of the U.S. Marshals Service.
- 21 2) All contracts or proposed contracts for brokerage or marketing services for the
22 forfeited property, including any contracts or proposed contracts for such
23 services to be provided by CB Richard Ellis.
- 24 3) All communications, including e-mails, letters, notes, memoranda, or other
25 written exchanges, between the U.S. Attorney's Office or the U.S. Marshals
26 Service and Geoffrey West of CB Richard Ellis.
- 27 4) All documents showing any valuations for the forfeited property.
- 28 5) All documents showing any valuations, including drafts thereof and
supporting documentation, for the Crazy Horse Too's trade names and
trademarks.

- 6) All proposed or considered contracts or agreements for the sale of the forfeited property to any third parties, including, but not limited to:
 - a. a sale to Imperial Share Holdings Corp.;
 - b. a sale to White Drive Acquisitions, LLC;
 - c. a sale to The Mortgage Broker, Inc.; and
 - d. the sale that failed on November 30, 2010 (see Power Company, ECF No. 395 at 4:10-11).
- 7) All title reports, including any and all preliminary or draft title reports, prepared in connection with any of the forfeited property.
- 8) All warranty deed title insurance policies, including all preliminary or draft policies, prepared in connection with any of the forfeited property.
- 9) All documents, including communications, e-mails, notes, memoranda and other writings, that refer or relate to:
 - a. John Salvador
 - b. the "Crazy Horse Too A Gentleman's Club" mark, U.S. Patent and Trademark Office Serial No. 77268097
- 10) All communications between the U.S. Attorney's Office and the Asset Forfeiture Program of the Department of Justice, including all supporting documentation, concerning the forfeited property.
- 11) All communications between the U.S. Marshals Service and the Asset Forfeiture Program of the Department of Justice, including all supporting documentation, concerning the forfeited property.
- 12) Any reports submitted to the Asset Forfeiture Program of the Department of Justice concerning the forfeited property.
- 13) Any documents evidencing any attempt by the United States to market for sale the Crazy Horse Too mark to any third party from July 1, 2011 to the present.

IT IS FURTHER ORDERED that production of the responsive documents shall be made by overnight mail to the following counsel of record:

- a. Bryan C. Altman, Esquire, The Altman Law Group, 6300 Wilshire Boulevard, Suite 980, Los Angeles, California 90048; and

1 b. Bruno W. Tarabichi, Esquire, Owens Tarabichi, LLP, 111 N. Market Street, Suite
2 730, San Jose, California 95113.

3 DATED this 10th day of February, 2015.

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6 **RICHARD F. BOULWARE, II**
7 **UNITED STATES DISTRICT JUDGE**
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